



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kazuhiro NAKAGAWA et al.

Application No.: 09/786,470

Filed: March 5, 2001

Group Art Unit: 1731

Examiner: C. Lopez

Docket No.: 108776

For: METHOD OF MANUFACTURING SILICA GLASS MEMBER AND SILICA GLASS MEMBER OBTAINED BY THE METHOD

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the April 23, 2003 Restriction Requirement, Applicants provisionally elects Group II, claims 3-4, with traverse.

All of claims 1-8 share the following special technical feature: obtaining a distribution of signed birefringence values on the basis of birefringence values and directions of phase advance axes measured at a plurality of points in the plane perpendicular to the rotational axis of the silica glass ingot and cutting, from the silica glass ingot, a silica glass member whose signed birefringence values monotonously increase from the center to the peripheral portion of the plane. The Office Action asserts that U.S. Patent No. 6,423,656 to Coriand et al. (Coriand) teaches this feature in Fig. 5d thereof. Applicants respectfully disagree.

At column 7, line 50 to column 8, line 4, Coriand explains that in Fig. 5d, the values of strain-induced birefringence measured as a function of the radius are plotted in a curve. However, Coriand does not teach the special technical feature of claims 1-8 (identified in the previous paragraph). Thus, under the PCT Unity of Invention standards, all of claims 1-8 should be examined together.

It is also respectfully submitted that the subject matter of all claims 1-8 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

In addition, Applicants attach an English-language translation of JP 11-54411. JP 11-55441 was submitted to the Patent Office for consideration in the March 5, 2001, Information Disclosure Statement.

Respectfully submitted,

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Philip A. Caramanica, Jr.
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MAC:PAC/mmc

Attachment:
English-language Translation of JP 11-54411

Date: May 21, 2003

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